

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

DAREL WAYNE NICHOLSON

CHAPTER 12 NO.:

20 - 10869 - SDM

TRUSTEE'S NOTICE AND MOTION TO MODIFY

COMES NOW Harold J. Barkley, Jr, the duly appointed and qualified Standing Trustee in the above cause and moves to modify the above proceeding for reasons to be shown below.

1. The Debtor's Chapter 12 Plan was confirmed by Order of this Court entered on December 2, 2020.

2. That, the Trustee has excess funds on hand in the amount of \$36,790.68. These funds are a result of the equipment sales previously approved by the Court and surplus from the Debtor's February 2020 plan payment.,

3. That, the Court has approved counsel for the Debtor Craig M. Geno's First Application for Allowance of Compensation and Reimbursement of Expenses Order at Docket #40 for \$9,435.01 (\$9,093.50 in fees and \$341.51 in expenses) and Second Application Order at Docket #66 for \$6,420.53 (\$6,396.50 in fees and \$24.03 in expenses). The Trustee should be authorized to disburse \$15,855.54 to the Law Offices of Craig M. Geno.

4. That, the remaining proceeds should be disbursed pro rata to timely filed unsecured creditors, with the Trustee to determine the proper distribution percentage. The Trustee should be entitled to his statutory compensation and expense on the disbursements made to Craig M. Geno for his administrative claim, and the disbursement to unsecured creditors.

5. **You are hereby notified** that all Objections must be made in writing to the Clerk of this Court. Attorneys and Registered Users of the Electronic Case Filing (ECF) system should file any response using ECF. Others should file any response at U. S. Bankruptcy Court, Northern District of Mississippi, Thad Cochran U. S. Courthouse, 7903 Hwy 145 North, Aberdeen, Mississippi 39730, with a copy mailed to the Trustee at the address below.

6. **You are further notified** that all Objections must be made within thirty (30) days of this date, being March 25, 2022.

7. **You are further notified** that should no Objection be timely filed, the Court will be requested to enter an Order ex parte.

8. Other grounds to be shown at a hearing hereon.

WHEREFORE, PREMISES CONSIDERED, Trustee prays that this motion be received and filed, and at a hearing hereon this Honorable Court will enter its Order sustaining Trustee's Motion to Modify, and for such other, further and general relief to which the Trustee and this bankrupt estate may be entitled.

Dated: February 23, 2022

Respectfully submitted,

/s/Harold J. Barkley, Jr.

HAROLD J. BARKLEY, JR. - MSB #2008
CHAPTER 12 TRUSTEE
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C E R T I F I C A T E

I, Harold J. Barkley, Jr., Trustee, do hereby certify that I have this date mailed a true and correct copy of the foregoing pleading to the following parties by United States Mail, postage prepaid or by ECF Filing Notification:

Office of the U S Trustee
ustpregion05.ja.ecf@usdoj.gov

Hon. Craig M. Geno
cmgeno@cmgenolaw.com

Darel Wayne Nicholson
32958 Hwy 45 North
Nettleton, MS 38858

Dated: February 23, 2022

/s/Harold J. Barkley, Jr.

HAROLD J. BARKLEY, JR.